

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KIMBERLY A REILLY, et al.,

Plaintiffs,

v.

Case No. 22-cv-1168-bhl

ASCENSION WISCONSIN, et al.,

Defendants.

DECISION AND ORDER GRANTING SUMMARY JUDGMENT TO DEFENDANTS

This consolidated matter involves nine lawsuits and 34 plaintiffs, each of whom asserts claims for religious discrimination against one or more affiliates of the Ascension healthcare system under Title VII of the Civil Rights Act of 1964. Plaintiffs are former Ascension employees who allege they requested and were denied an exemption from Ascension’s mandatory nationwide COVID-19 vaccination policy on religious grounds. When Plaintiffs later refused vaccination, they were suspended or terminated. To facilitate their efficient resolution, the Court consolidated the cases on June 8, 2023, (ECF No. 34), and, after discussions with counsel, agreed that the parties would select a total of six test plaintiffs to be the focus of discovery and the subject of dispositive motions. (ECF Nos. 43 & 44.) The parties identified their chosen test plaintiffs on October 27, 2023, (ECF Nos. 60 & 62), and on June 28, 2024, Ascension moved for summary judgment as to those plaintiffs’ claims. (ECF No. 103.)

On October 18, 2024, the Court granted Ascension’s motion for summary judgment and dismissed all claims brought by the six test plaintiffs. (ECF No. 115.) The Court concluded that Congress had expressly exempted the defendants, all affiliates of Ascension, from claims for religious discrimination under Title VII. (*Id.* at 5–7); *see also* 42 U.S.C. § 2000e-1(a). Because the Court’s reasoning and conclusion appear to apply equally to the claims of the remaining 28 plaintiffs, the Court ordered the remaining plaintiffs to file a statement within 30 days, identifying any particular facts or legal arguments that might warrant a different result for any of their claims and cases. (ECF No. 115 at 9.) The Court stated that, if Plaintiffs did not notify the Court by

November 18, 2024 of any differences necessitating the scheduling of further proceedings, the Court would enter summary judgment for Ascension on all claims brought by all plaintiffs. (*Id.*)

The deadline for the remaining plaintiffs to identify any basis on which the Court's summary judgment analysis would not apply to them and their claims has now passed. None of the remaining plaintiffs has filed any statement or other evidence suggesting that a different result might apply to them. Accordingly, for the reasons set forth in its October 18, 2024 summary judgment order, the Court will exercise its authority under Federal Rule of Civil Procedure 56(f) and grant summary judgment to Ascension as to all plaintiffs and all claims.

IT IS HEREBY ORDERED that summary judgment is granted to Defendants on all claims and this consolidated action is **DISMISSED**. The Clerk is directed to enter judgment accordingly.

IT IS FURTHER ORDERED that Defendants' Motions to Dismiss, ECF Nos. 48, 51, 54, 57, 71, 75, 77, are **DENIED as moot**.

Dated at Milwaukee, Wisconsin on November 22, 2024.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge